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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

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12 MUSIC Group Macao Commercial
Offshore Limited, a Macao entity, and
13 MUSIC Group Services US, Inc., a
Washington Corporation,

14 Plaintiffs,

15 v.
16 John Does I-IX,

17 Defendant.
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N. D. Cal. Case No. CV 14-80328 MISC
W.D. Wash. Civil Action No. 14cv621-RSM

**NON-PARTY TWITTER, INC.'S
RESPONSE TO PLAINTIFFS'
MOTION TO COMPEL**

Date: January 8, 2015
Time: 9:30 a.m.
Room: Courtroom C

1 Plaintiffs MUSIC Group Macao Commercial Offshore Limited, a Macao entity, and
 2 MUSIC Group Services US, Inc. (“MUSIC Group”), seek to unmask an anonymous online
 3 speaker by compelling production of the user’s identifying information from non-party Twitter,
 4 Inc. (“Twitter”). MUSIC Group has asked the Court to adjudicate whether the legal requirements
 5 of the First Amendment to the United States Constitution have been met such that disclosure of
 6 identifying information is justified. Twitter takes no position on the merits of Plaintiffs’ motion
 7 and whether it has made the required showing,¹ but agrees that the Court should adjudicate this
 8 issue to ensure that the appropriate First Amendment standard is met and that the user’s right to
 9 anonymous free speech is protected, before any identifying information is compelled from
 10 Twitter for use in MUSIC Group’s underlying lawsuit. Twitter objected in good faith to the
 11 subpoena because the required First Amendment showing had not yet been met, notified the email
 12 address associated with the affected account identified in the Motion to Compel, and asks only
 13 that the Court consider the facts as presented by the Plaintiffs and enter a finding that addresses
 14 the protections afforded to anonymous speech as raised in Plaintiffs’ motion. If the Court rules in
 15 favor of Plaintiffs, Twitter intends to respond to the subpoena and the Court’s resulting order.

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17 DATED: December 15, 2014

PERKINS COIE LLP

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By: /s/ Sunita Bali
Sunita Bali

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Attorneys for Non-Party Twitter, Inc.

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¹ MUSIC Group says that Twitter argues that the required test has not been met because MUSIC Group failed to establish prima facie evidence of at least one actionable claim. Motion at 6. To the contrary, Twitter argues only that the Court should conduct this analysis and takes no position on the merits.